

Appl. No. : 09/585,129
Filed : May 31, 2000

REMARKS

The foregoing amendments and the following remarks are responsive to the August 21, 2002 Office Action. Claims 1-5 remain as originally filed. Claims 6-10 are amended herein. Claims 1-10 are presented for further consideration. Applicant respectfully requests the Examiner to enter the amendments and reconsider the claims in view of the following remarks.

Response to Objection to Claim 6

In the August 21, 2002 Office Action, the Examiner objects to Claim 6 as having an unclear and confusing preamble. Applicant has amended Claim 6 to remove the extraneous word "comprising." Applicant respectfully requests the Examiner withdraw the objection and to pass Claim 6 to allowance.

Response to Rejection of Claims 1-10 Under 35 U.S.C. § 102(e)

In the August 21, 2002 Office Action, the Examiner rejects Claims 1-10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2002/0072965 A1 ("Merriman"). As described in detail below, Applicant respectfully submits that Claims 1-10 contain limitations that are not taught, disclosed or suggested by Merriman. Applicant further submits that Claims 1-10 are not anticipated by Merriman under 35 U.S.C. § 102(e), and that Claims 1-10 are patentably distinguished over Merriman.

Applicant respectfully submits that Merriman does not teach, disclose or suggest a method of operating a content delivery system for distributing advertising content to users of personal computers, wherein the method comprises "collecting identification data from a network of personal computers, wherein the personal computers are configured to periodically receive and store advertising content and display the advertising content while or before bootloading a user selected application environment" as defined by Claim 1 (emphasis added). Similarly, Applicant respectfully submits that Merriman does not teach or disclose a content delivery system that comprises "an advertisement database comprising advertising data, wherein the advertising data is formatted for storage and display in the network of personal computers

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while or before the network of personal computers bootload a selected application environment”
as defined by Claim 6 (emphasis added).

The method and system described by Merriman requires an active browser in the user workstation, which is only possible after bootloading the application environment. Conversely, the method of Claim 1 of the present application requires that the advertising be displayed while or before the bootloading takes place. Thus, the method of Claim 1 beneficially engages the user during an otherwise unproductive period and eliminates the requirement for an active browser.

In view of the foregoing remarks, Applicant respectfully submits that independent Claims 1 and 6 are not anticipated by Merriman. Applicant further submits that Claims 1 and 6 are patentably distinguished over Merriman.

Claims 2-5 depend from Claim 1 and further define the invention defined in Claim 1. Each of Claims 2-5 includes all the limitations of Claim 1, which are not taught, disclosed or suggested by Merriman. Furthermore, each of Claims 2-5 further recites limitations of particular utility in addition to the limitations of Claim 1. In view of the arguments presented above with respect to Claim 1 and in view of the further limitations of Claims 2-5, Applicant respectfully submits that Claims 2-5 are patentably distinguished over Merriman.

Claims 7-10 depend from Claim 6 and further define the invention defined in Claim 6. Each of Claims 7-10 includes all the limitations of Claim 6, which are not taught, disclosed or suggested by Merriman. Furthermore, each of Claims 7-10 further recites limitations of particular utility in addition to the limitations of Claim 6. In view of the arguments presented above with respect to Claim 6 and in view of the further limitations of Claims 7-10, Applicant respectfully submits that Claims 7-10 are patentably distinguished over Merriman.

For the foregoing reasons, Applicant respectfully requests the Examiner to withdraw the rejection of Claims 1-10 under 35 U.S.C. § 102(e). Applicant respectfully requests the Examiner to allow Claims 1-10 and to pass this application to the issue process.

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Discussion of Amended Claims 7-10

Applicant has amended Claims 7-10 herein to correct inadvertent typographical errors so that each claim now depends from independent Claim 6 rather than from Claim 1. Applicant respectfully requests the Examiner to allow amended Claims 7-10.

Summary

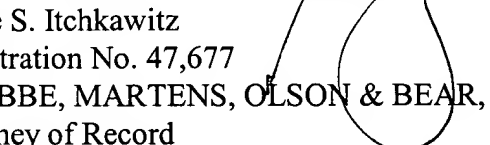
In view of the foregoing amendments and remarks, Applicant respectfully submits that Claims 1-10 are in condition for allowance, and Applicant respectfully requests allowance of Claims 1-10.

Respectfully submitted,

Dated: _____

11/21/02

By: _____


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 6-10 are amended herein as set forth below. In the following version of the amended claims, insertions are underlined (e.g., insertion) and deletions are surrounded by brackets and are bolded (e.g., **[deletion]**).

6. (Amended) A content delivery system **[comprising]** for distributing advertising data to a network of personal computers, the content delivery system comprising:

an identification database comprising identification data, wherein the identification data uniquely identifies a computer or a user in the network of personal computers;

an advertisement database comprising advertising data, wherein the advertising data is formatted for storage and display in the network of personal computers while or before the network of personal computers bootload a selected application environment;

a collection module for collecting the identification from the network of personal computers and storing the collection information in the identification database;

a formatting module for formatting and storing advertisement data in the advertisement database; and

a control module that distributes the formatted advertising data to the network of personal computers upon the occurrence of one or more events.

7. (Amended) The system of Claim **[1]** 6, wherein the identification data comprises a unique identifier that is associated with one of the personal computers.

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8. (Amended) The system of Claim [1] 6, wherein the identification data comprises an internet protocol address.

9. (Amended) The system of Claim [1] 6, wherein the control module receives preference data from the personal computers, and wherein the control module selects the advertisement data that is to be distributed, at least in part, based upon the received preferences.

10. (Amended) The system of Claim [1] 6, wherein the control module associates a fee with data representative of the advertiser; and wherein the control modules stores the fee in a storage device that is associated with one of the personal computers.

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